

REMARKS

Claim Rejections under 35 USC §102

Claims 296, 299 and 302 stand rejected under 35 U.S.C. 102(b) as being anticipated by Mauclair et al. (US 5,268,371). The Examiner stated the following:

Mauclair et al. discloses non-metallic porphyrin comprising a reactive group directly or indirectly attached to any one of the four non-pyrrole positions. (Col. 3).

Col. 12 example 5 shows a reactive group attached to the non-metallic porphyrin through a linker.

Col. 9 lines 28-34 shows that a target can be attached. Said target can be antigens which is viewed to be inclusive of nucleic acid, nucleotides or nucleic analog.

Applicants respectfully traverse this rejection. Applicants believe that the Mauclair et al. reference describes a structure that is not claimed by the present invention. For the porphyrin structure described in this reference, each of the non-pyrrole positions is modified by either R₁ or R₂, “where the R₁ represents a pyridyl radical and R₂ a radical chosen from...” (Column 3, lines 1-2). This is further illustrated in Column 3 in structure (II) where the presence of such moieties is depicted on each of those positions. In addition, one of substitutions may also comprise a reactive group for attachment of their modified porphyrin molecule to a target. In summary, each and every one of the non-pyrrole positions is described as having a substitution on it. There are no positions which are not substituted.

In contrast, it can be seen that the porphyrin molecule that is the subject of claim 296 has only one substitution in a non-pyrrole position, where a target (T) is joined to the porphyrin ring (“wherein T is a target molecule attached directly or indirectly to any one of the four non-

Jannis Stavrianopoulos et al.

Serial No.: 10/763,088

Filed: January 22, 2004

Page 3 Reply To December 10, 2007 Office Action – June 9, 2008

pyrrole positions...”). The remaining non-pyrrole positions remain unsubstituted. The positions on the porphyrin that are described as including other substitutions are the pyrrole positions (described as R₁-R₈ in claim 296). Applicants believe that this is a clear distinction between the claims as written in the present invention and the cited Maclair et al., patent.

Jannis Stavrianopoulos et al.

Serial No.: 10/763,088

Filed: January 22, 2004

Page 4 Reply To December 10, 2007 Office Action – June 9, 2008

SUMMARY

Applicants respectfully request withdrawal of the rejection and allowance of Claims 296 and 299-303.

No other fee or fees are believed due in connection with this paper. In the event that any fee or fees are due, however, the United States Patent and Trademark Office is hereby authorized to charge any such fee or fees to Deposit Account No. 05-1135, or to credit any overpayment thereto.

If a telephone conversation would further the prosecution of the present application, Applicants' undersigned attorney requests that she be contacted at the number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Natalie Bogdanos". The signature is fluid and cursive, with a long horizontal stroke at the end.

Natalie Bogdanos, Esq.
Registration No. 51,480
Attorney for Applicants

ENZO LIFE SCIENCES, INC.
c/o ENZO BIOCHEM, INC.
527 Madison Avenue, 9th Floor
New York, New York 10022-4304
Telephone: (212) 583-0100
Facsimile: (212) 583-0150

al/USProsecution/Enz-61(D5).replytoOA.6.9.08